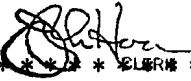


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JUL 24 2008



JADA RAY COOVER,

CIV. 07-4066

Plaintiff,

vs.

ORDER

BOB DOOLEY, Warden;
CBM FOOD SERVICES;

Defendants.

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.


Plaintiff has objected to the Report and Recommendation and filed a Motion to Amend Complaint (Doc. 18). This court has reviewed the objections, the motion to amend and the remainder of the file. Neither the original complaint, proposed amendments, nor the objections state a claim nor allege facts which amount to a constitutional violation. Accordingly,

IT IS ORDERED that:

1. Plaintiff's objections (Doc. 19) are overruled and the Report and Recommendation (Doc. 14) is ADOPTED.
2. Plaintiff's Motion to Amend Complaint (Doc. 18) is DENIED AS MOOT.
3. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 24th day of July, 2008.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Shelly Margulies, Deputy
(SEAL)